

NOV 30 2005

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

BRIEN SERS NICHOLAS  
Attorney at Law  
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Attorney for Plaintiff  
Rosario DLG Kumagai

IN THE FEDERAL DISTRICT COURT  
FOR  
THE DISTRICT OF THE NORTHERN MARIANA ISLANDS

ROSARIO DLG KUMAGAI,

CIVIL ACTION NO. 05-0037

Plaintiff,

vs.

PAMELA BROWN, a.k.a. PAMELA BROWN  
BLACKBURN, personally and in her official  
capacity as the Attorney General for the  
Commonwealth of the Northern Mariana Islands;  
FERMIN M. ATALIG, personally and in his  
official capacity as the Secretary of Finance,  
COMMONWEALTH OF THE  
NORTHERN MARIANA ISLANDS;  
MARIA LOURDES SEMAN ADA,  
personally and in her official capacity as  
the Executive Director for the Commonwealth  
Development Authority;  
COMMONWEALTH DEVELOPMENT  
AUTHORITY;  
BANK OF GUAM;  
and JOHN DOES ONE thru TEN,

DECLARATION OF COUNSEL IN  
SUPPORT OF *EX PARTE* MOTION  
FOR ENTRY OF A DEFAULT  
AGAINST DEFENDANT FERMIN  
M. ATALIG PURSUANT TO FED.  
R. CIV. PRO. 55(a)

Defendants.

I, Brien Sers Nicholas, under penalty of perjury hereby declare and state as follows:

1. I am an Attorney at Law duly licensed to practice law before this Honorable Court.

2. I am the Counsel of Record for Plaintiff Rosario DLG Kumagai ["Plaintiff"] in the  
above-styled action.

3. The Summons and Complaint in this action were filed with the Office of the Clerk  
of Court on November 9th, 2005 and were duly served on Defendant Fermin M. Atalig  
["Defendant Atalig"] on the same day, i.e., November 9th, 2005. Attached herewith and made


1 a part hereof as Exhibit A is a true and correct copy of the "Return of Service" for said  
2 Defendant Atalig.

3 4. Pursuant to Fed. R. Civ. Pro. 12(a), Defendant Atalig's answer or other response  
4 was due on November 29th, 2005.

5 4. Defendant Atalig has failed to answer or otherwise respond to Plaintiff's Complaint  
6 herein within the time so provided by law.

7 5. Based upon the foregoing, Plaintiff is therefore entitled to an Entry of a Default  
8 against said Defendant Atalig.

9 Dated this the 30th day of November, 2005.

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14 Brien Sers Nicholas, Esq.  
15 Attorney for Plaintiff Kumagai  
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# United States District Court

FOR THE NORTHERN MARIANA ISLANDS

ROSARIO DLG KUMAGAI,

Plaintiff,

V.

PAMELA BROWN, a.k.a. PAMELA BROWN  
BLACKBURN, personally and in her official capacity  
as the Attorney General for the Commonwealth of the  
Northern Mariana Islands;

FERMIN M. ATALIG, personally and in his official  
capacity as the Secretary of Finance;

COMMONWEALTH OF THE NORTHERN  
MARIANA ISLANDS;

MARIA LOURDES SEMAN ADA, personally and in  
her official capacity as the Executive Director for the  
Commonwealth Development Authority;

COMMONWEALTH DEVELOPMENT  
AUTHORITY;

BANK OF GUAM;

and JOHN DOES ONE thru TEN,

Defendants.

## SUMMONS IN A CIVIL CASE

CASE NUMBER:

CV 05 0037

**COPY of  
Original Filed  
on this date**

NOV - 9 2005

**Clerk  
District Court  
For The Northern Mariana Islands**

**TO: FERMIN M. ATALIG**  
Secretary of Finance

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY:

**BRIEN SERS NICHOLAS, ESQ.**  
1<sup>st</sup> Floor, UIU Building, San Jose  
P.O. Box 502876  
Saipan, MP 96950

an answer to the Complaint which is herewith served upon you, within twenty (20) days after service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

GALO L. PEREZ

NOV - 8 2005

CLERK

DATE

  
(BY) DEPUTY CLERK

**EXHIBIT**

**A**

## RETURN OF SERVICE

Service of the Summons and Complaint was made by me<sup>1</sup>

DATE

NOV. 9, 2005

NAME OF SERVER (PRINT)

BRIEN SERS NICHOLAS, ESQ.

TITLE

ATTORNEY

Check one box below to indicate appropriate method of service

☒ Served personally upon the defendant. Place where served: DEPARTMENT OF FINANCE  
CAPITOL HILL, SAIPAN

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: \_\_\_\_\_

☐ Returned unexecuted: \_\_\_\_\_

☐ Other (specify): \_\_\_\_\_

## STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on NOV. 9, 2005  
Date

BRIEN SERS NICHOLAS  
Signature of Server

1ST FLOOR, UIU BLDG., SAN JOSE, SAIPAN  
Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.